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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/025,922      | 12/26/2001  | Paul Pedersen        | 00030-0025          | 7437             |

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EXAMINER

ADDIE, RAYMOND W

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,922

Applicant(s)

PEDERSEN ET AL.

Examiner

Raymond W. Addie

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3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-23 are objected to because of the following informalities:

Claim 1, line 1, the phrase "a support a deck" should be --a support, a deck--.

Appropriate correction is required.

Claim 1, Ins. 3-11 the phrase "said deck assembly" should be -- said deck-- for consistency, since "a deck assembly" lacks antecedent basis in the claim.

All of the claims, 1-23 are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required.

See 37 CFR 1.52(b).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cook et al. # 5,123,135.

Cook et al. discloses a dock leveler (10) comprising:

A support (22, 24).

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A deck (28) pivotally secured to said support (24), for movement between a stored position and an elevated position. See col. 4, Ins. 53-65.

A deck lip (36) pivotally connected to said deck (28) at an end opposite of said deck/support pivotable connection. See col. 6, Ins. 29-31.

A lift mechanism (74) acting on said deck to lift said deck (28) toward an elevated position. See col. 5.

A lip operating mechanism (40, 100, 114, 123, 124, 128, 130) connected to said lip to move it from a pendant position to a bridging position between said dock (18) and a carrier bed (20) of a vehicle, upon attainment of said elevated position. See col. 7.

A latch assembly (94, 110, 112, 114, 120) to hold said lip in said bridging position.

Said latch assembly releasing said lip upon relative movement between said lip and said deck and having a yieldable connection (112, 114, 120) to permit limited pivotal movement of said lip and said deck upon application of a force thereto.

See col. 8, Ins. 1-65.

Although Cook et al. does not disclose the lip operating mechanism as being "operatively connected" to said lip to move it from said pendant position to said bridging position upon attainment of said elevated position; Cook et al. does specifically disclose that lip plate (36) is adapted to move between a stored position and a bridging position

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via a lip operating mechanism (40, 94, 100, 114, 123, 124, 128, 130), such that the lip plate pivoting means includes means for pivoting the lip plate in response to upward movement of main deck (28). Hence, it is obvious, if not inherent, the lip operating mechanism is "operatively connected" to said lip plate for pivoting said lip plate between a stored and a bridging position.

In regards to Claims 2-6 Cook et al. discloses the latch is pivotable from an inactive position to an active position in engagement with the lip upon said deck (28) attaining an elevated position via a latch setting mechanism comprising the yieldable connection cited above with respect to Claim 1 above. Movement of said deck (28) from an elevated position releasing said latch setting mechanism. Cook et al. further discloses the latch setting mechanism further comprises a lost motion device further comprising a tensile member (107, 104) acting between said support (22) and said deck (28) to accommodate movement of said deck from said elevated position and that the latch setting mechanism pivots said latch into engagement with said lip upon attainment of said elevated position. See col. 7, ln. 57-Col. 8, ln. 65.

In regards Claims 7, 8, 19-21 Cook et al. discloses the yieldable connection of the latch assembly further comprises a latch spring (120) operable to hold said lip (36) in said bridging position and rotational movement of said lip relative to said deck assembly is

accommodated by flexure of said latch spring, such that said latch spring acts upon a link (112) mounted on said lip and rotation of said lip beyond a predetermined position relative to said deck causes said link and spring to disengage and permit said lip to move to said pendant position.

In regards to Claims 9-15, 22, 23 Cook et al. discloses the dock leveler further comprises:

A plunger (114), a stop (94) and a counterbalance spring/shock absorber (122); such that said link (112) and latch spring (120) releases said latch to permit said latch to return to said inactive position. Cook et al. further discloses the plunger (114) is operable upon said link (112) and biased into abutment with said link, by said latch spring (120). Cook et al. further discloses the stop (94) limits movement of said plunger toward said link, such that pivotal movement of said latch assembly (112) beyond an active position is inhibited in order to maintain said plunger (114) in a position for engagement with said link (112). Further Cook et al. discloses the link (112) and plunger (114) have radiussed tips for pivotal engagement, and that the counterbalance and latch spring act in parallel, such that the combined forces of said latch and counter balance spring are sufficient to maintain said lip in said bridging position.

In regards to Claims 16-18 Cook et al. discloses essentially all that is claimed, as put forth with respect to Claims 1-15 above, and further discloses the use of a 1<sup>st</sup> tensile member, in the form of a pull ring and chain (see col. 8, ln. 66-col. 9, ln.10) acting between said support frame (22) and said lip (36) to initiate movement from said pendant position as said deck assembly approaches an elevated position.

Cook et al., still further discloses the latch assembly (94, 112, 114) is moved to said active position by second tensile member.

### ***Conclusion***

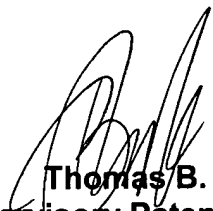
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGuire # 3,203,002 discloses an adjustable dockboard with counterbalancing extension lip.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Monday-Friday from 8:00 am to 2:00 pm, 6-8 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-8623.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**RWA**  
**4/10/2003**